

JUN - 9 2010

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

VIOLATION REPORT

U.S. PRETRIAL SERVICES OFFICE

MEMORANDUM

DATE: June 9, 2010

TO: The Honorable Dennis Lee Howell
U.S. Magistrate Judge

FROM: Robert T. Ferguson
U.S. Probation Officer

RE: **Marcus Cody Waldroup**
2:09CR29-6
Notification of Bond Violation
WARRANT REQUESTED

RELEASE STATUS:

On 10/14/09, Marcus Cody Waldroup appeared before U.S. Magistrate Judge Dennis L. Howell in Asheville, NC for his initial appearance on a charge of conspiracy to possess with intent to distribute a controlled substance, that being marijuana, a schedule I controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 846. He was detained at that time. On 10/16/09, he again appeared before Magistrate Judge Howell for a detention hearing and was released on an unsecured bond with pretrial services supervision. He has remained on bond since that time. The defendant is currently scheduled for a plea hearing in Bryson City, NC on 6/23/10.

APPARENT VIOLATION:

1. The defendant has violated the condition of bond which states that he/she refrain from use or unlawful possession of narcotic drugs or controlled substance as defined in 18 U.S.C. § 802, unless prescribed by a licensed medical practitioner in that on 6/9/10 the defendant admitted to law enforcement officials that he had used morphine three days prior. The defendant did not have a valid prescription for this drug.
2. The defendant has violated the condition of bond which states that he/she have no contact with anyone involved in unlawful use, possession or trafficking of drugs or involved in any other unlawful conduct, in that on 6/9/10 the defendant admitted to law enforcement officials that he had purchased morphine from an individual three days ago.
3. The defendant had violated the condition of bond which states that he shall maintain or actively seek employment in that he has failed to secure verifiable employment since his release on bond.

Marcus Cody Waldroup
2:09CR29-6

SUMMARY OF DEFENDANT'S ADJUSTMENT TO SUPERVISION:

Based on the information set forth previously, the defendant's adjustment to supervision has been less than satisfactory.

SUMMARY OF OFFICER INTERVENTION:

On 6/9/10, the undersigned was contacted by Special Agent Billy Stites of the Bureau of Indian Affairs. Agent Stites advised that he picked up the defendant this morning to speak with him about providing cooperation to authorities. At that time, Mr. Waldroup agreed to submit to a urinalysis test which indicated he had used methadone. Agent Stites advises Mr. Waldroup was asked about this by Detective Jeff Smith of the Swain County Sheriff's Office, as well as Matthew Shiver of the Cherokee Police Department, and the defendant admitted that three days ago he purchased morphine from a female at the Waffle House in Cherokee, NC. This violation report was prepared in response to this conduct.

RECOMMENDATION:

It is recommended that the defendant's bond be revoked.

It is requested that access to this document be restricted to the U.S. Attorney until service; upon notification that service has been effected the document shall be made available to case participants only.

I declare under penalty of perjury that the foregoing is true and correct.

Submitted this 9th day of June, 2010.

s/ Robert T. Ferguson *RF*
Robert T. Ferguson
U.S. Probation Officer
B-3 U.S. Courthouse Building
100 Otis Street
Asheville, NC 28801
(828) 771-7337

Marcus Cody Waldroup
2:09CR29-6

s/ Approved by:

Elisabeth F. Ervin
Elisabeth F. Ervin
Supervising U.S. Probation Officer

cc: PSI Officer/File

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

Date: June 9, 2010

Signature Line


Title of Signing Officer
United States District Court

